

NEBRASKA DEPARTMENT  
OF INSURANCE

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

SEP 01 2004

FILED

STATE OF NEBRASKA	)	CAUSE NO.: A-1536
DEPARTMENT OF INSURANCE,	)	
	)	
PETITIONER,	)	
	)	RECOMMENDED ORDER
vs.	)	AND ORDER
	)	
JEROME J. O'CONNOR, JR.	)	
	)	
RESPONDENT.	)	

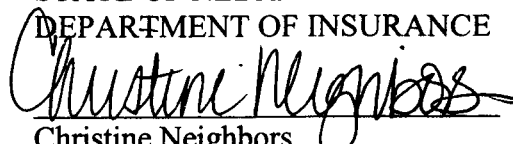
This matter was submitted to Christine M. Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance, by stipulation of the parties in the Stipulation of the Facts, Conclusions of Law, Agreement to Waive Hearing, and Agreement to Submit Matter to Hearing Officer for Disposition ("Stipulation") filed on August 2, 2004. Therefore, the only issues addressed in this pleading are whether a penalty should be imposed and, if so, whether the penalty is an administrative fine, or suspension or revocation of license or a combination thereof.

The Nebraska Department of Insurance ("Department") is represented by its attorney, Martin Swanson. Jerome J. O'Connor, Jr., is represented by Attorney Thomas Brantly, Hascall, Jungers & Garvey. As a result of the Stipulation, which is attached hereto as Exhibit "A" and incorporated herein by reference, the hearing officer recommends that a penalty is appropriate, as a result of the four admitted violations of Nebraska insurance laws referenced in the Stipulation, and hereby recommends Respondent's insurance producer's license be suspended for a period of six months from the date the Director of Insurance signs this Order. The suspension is to run

concurrently with the suspension ordered in A-1566. In addition, Respondent is required to provide a written response to the Department of Insurance regarding the questions presented in CAD File Number 02-1817. Respondent will communicate with the Department of Insurance through his attorney to ensure that the Department's questions are resolved.

Dated this 1<sup>st</sup> day of September, 2004.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

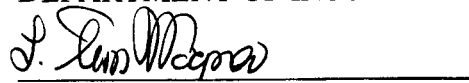
  
Christine Neighbors  
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Jerome J. O'Connor, Jr., Cause No.: A-1536.

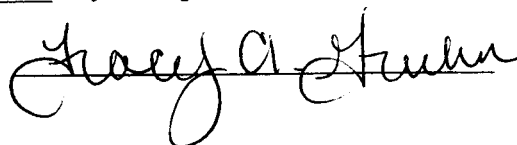
Dated this 1<sup>st</sup> day of September, 2004.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
L. TIM WAGNER  
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Recommended Order and Order was served upon the Respondent by mailing a copy to Respondent's counsel, Thomas Brantley, Hascall, Jungers & Garvey, 101 West Mission Ave, Bellevue, NE 68005 by certified mail, return receipt requested, on this 3<sup>rd</sup> day of September, 2004.



BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

AUG 02 2004

FILED

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	
PETITIONER,	)	STIPULATION OF THE FACTS,
	)	CONCLUSIONS OF
VS.	)	LAW, AGREEMENT TO WAIVE
	)	HEARING, AND
JEROME J. O'CONNOR, JR.	)	AGREEMENT TO SUBMIT MATTER
	)	TO HEARING OFFICER FOR
	)	DISPOSITION
RESPONDENT.	)	
	)	CAUSE NO. A-1536
	)	
	)	
	)	

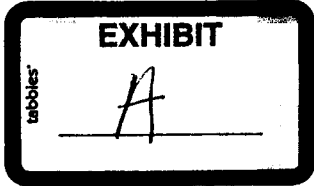
In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Martin W. Swanson and Jerome J. O'Connor, Jr., ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001, et seq.
2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACTS AND AGREEMENT OF WAIVER OF HEARING AND  
AGREEMENT TO SUBMIT MATTER TO HEARING OFFICER FOR DISPOSITION

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Jerome J. O'Connor, Jr., Cause Number A-1536 on



May 7, 2004. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. Respondent stipulates and admits that he violated Neb. Rev. Stat. §44-1525(11), twice, and Neb. Rev. Stat. §44-4059(1)(b), twice, as a result of the following conduct:

- a. On September 3, 2002, Barbara Ems, consumer affairs investigator with the Nebraska Department of Insurance, sent a certified letter to Respondent asking for a response with regard to an investigation she was conducting. Respondent did not respond.
- b. On October 1, 2002, Jane Francis, Administrator for the Consumer Affairs Division, sent a certified letter to Respondent that he respond to her letter and the September 3, 2002 letter. Respondent did not respond, once again, to either letter.
- c. Several months have passed and Respondent has not responded to either of the aforementioned letters.

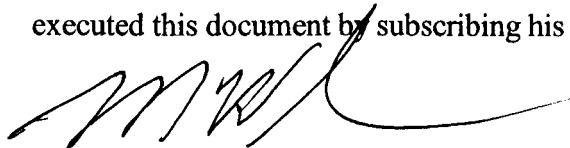
3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Stipulation and Agreement freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses and production of evidence. Petitioner and Respondent agree to submit written letter briefs to the Hearing Officer with regard to the potential penalty that may be imposed upon Respondent no later than July 28, 2004. Each party shall serve the other party with their letter brief in addition to providing the Hearing Officer a copy of said briefs. The Hearing Officer shall, in the normal course of business, issue a determination of a penalty, if any, after submissions of the letter briefs.

4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above.


CONCLUSIONS OF LAW


Respondent and Petitioner agree that Respondent's conduct as alleged above constitutes two violations of Neb. Rev. Stat. §44-1525(11) and two violations of Neb. Rev. Stat. §44-4059(1)(b).

In witness of their intention to be bound by these Stipulations of Facts, Conclusions of Law and Agreement to submit this matter to the Hearing Officer without a hearing, each party has executed this document by subscribing his or her signature below.

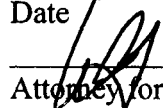


Martin W. Swanson, #20795  
Attorney for Nebraska  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, Nebraska 68508  
(402)471-2201

 8-2-04  
Date

  
Respondent

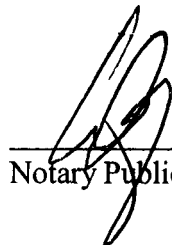
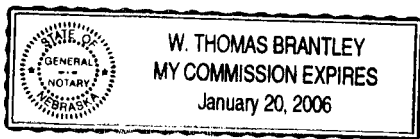
7-27-04  
Date

  
Attorney for Respondent

7/27/04  
Date

State of Nebraska )  
County of Douglas ) ss.

On this 27<sup>th</sup> day of July, 2004, Jerome J. O'Connor, Jr. personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Stipulation of Facts, Conclusions of Law and Agreement to Waive Hearing was sent to Thomas Brantley, Attorney for Respondent, at Hascall, Jungers & Garvey, 101 West Mission Ave., Bellevue, Nebraska 68005, by certified mail, return receipt requested on this \_\_\_\_\_ day of July, 2004.

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